

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

SUITS – A.P.A.T. – O.A. No.12909 of 2009 filed by Sri M.V.R. Prasada Rao, Joint Secretary to Government, Finance Department – Request for promotion to the category of Additional Secretary to Government – Rejection – Orders – Issued.

FINANCE (OP.I) DEPARTMENT

G.O.Rt.No. 297

Dated.29-01-2010

Read the following:-

1. G.O.Rt.No.3725, Finance (OP.I) Department, dt. 12-09-2008.
2. Memo.No.20977-A/227/A1/OP.I/2008, Finance (OP.I) Department, dt. 27-08-2008.
3. Memo.No.20526-A/246/A1/OP.I/2008, Finance (OP.I) Department, dt. 01-11-2008.
4. Orders of A.P.A.T. dt.18-6-2009 in O.A.No.7862/2008 filed by Sri M.V.R. Prasada Rao, Jt. Secretary to Government, Finance Department.
5. Interim Orders of A.P. High Court, dt.29-12-2009 in W.P.M.P.No.36878 of 2009 in W.P. No.28313/09 filed by Finance (OP.I) Department.
6. Orders of A.P.A.T., dt.31-12-2009 in O.A.No.12909 of 2009 filed by Sri M.V.R. Prasada Rao, Joint Secretary to Government, Finance Department.

ORDER:

In the reference 1st read above, Sri M.V.R. Prasada Rao, Jt. Secretary to Government was imposed a minor punishment of Censure under Rule 12 read with Rule 9 of A.P.C.S. (CC&A) Rules,1991 for his misbehavior against one of the Section officer of this Department.

2. Aggrieved to the above, the Officer has filed O.A.No.7862 of 2008 in the A.P.A.T. to set aside G.O.Rt.No.3725, Finance (OP.I) Department, dated.12-9-2008. The A.P.A.T. in its order dated. 18-06-2009 has set aside the orders issued in the reference 1st read above mainly on the ground that charge was defective, reasonable opportunity was not given and the information required has not been furnished through Annexures-I, II, III & IV to the Charge Memo.

3. This Department has filed a Writ Petition in the High Court of A.P. against the orders of the A.P.A.T., dt.18-6-2009. The Hon'ble High Court has admitted the writ petition and granted interim suspension of the orders of A.P.A.T. 18-6-2009 vide reference 5th read above.

4. Sri M.V.R. Prasada Rao, Joint Secretary to Government, Finance Department has filed O.A., in the A.P.A.T. to set aside the G.O.Ms.No.263, Finance (OP.I) Department, dated.5-9-2008 and consequently direct the Respondent No.1 to promote him as Additional Secretary to Government w.e.f. 5-9-2008 taking the date of promotion of his junior with all consequential benefits. This O.A. has not been served on the Principal Secretary to Govt., Finance (OP.I) Department, A.P. Secretariat, Hyderabad; much less to speak on the Respondent, Additional Secretary to Government Finance Department, Secretariat, Hyderabad.

5. In the reference 6th read above, the Hon'ble A.P.A.T. in its order, dated.31-12-2009 has directed to consider his request for promotion as Additional Secretary to Government and pass appropriate orders within a period of three weeks as he is retiring on 31-1-2010 while observing that the punishment of Censure imposed against the applicant vide G.O.Rt.No.3725, Finance (OP.I) Department, dated.12-9-2008 was set aside by order, dt.18-6-2009 and the applicant stated that there is no other disciplinary enquiry or punishment pending against him.

Contd.P.2.

6. The following adverse remarks have been recorded in the Confidential Reports of M.V.R. Prasada Rao, Joint Secretary to Government for the year 2006-07.

<u>Sl.No.</u>	<u>Column</u>	<u>Remarks</u>
1	5 Does Officer exhibit a) Patience b) Tact c) Courtesy	NO NO NO
2	7 Is the Officer i) Physically energetic	NO
3	8 How the Officer i) Initiative and drive ii) Powers of Control iii) Powers on application	Not upto the mark Not upto the mark Not upto the mark
4	14 Grading	Poor

The adverse remarks have been communicated to him and on receipt of his representation against these adverse remarks, the Opinion of the reporting officer has been obtained and these adverse remarks have been confirmed in Finance Department's Memo no. 20526-A/246/A1/OP.I/08 dated 1.11.2008 furnishing specific instances of his performance based on which the adverse remarks have been recorded and informed to the Officer that no further representation shall be entertained in this matter as per Govt., Memo No. 2662/G.A(Ser.C)/76-1 dated 28.12.1976.

7. The following adverse remarks have been recorded in the Confidential Report Sri M.V.R. Prasada Rao, Joint Secretary to Government for the year 2007-08 :

<u>S.No</u>	<u>Column</u>	<u>Remarks</u>
1	4(b). Manner in which the The Officer discharged his duties during the year (i.e.) if satisfactory or otherwise (specific instances of unsatisfactory work if adversely commented on to be cited with No. and date of orders passed.	Not upto the mark
2	5. Does Officer exhibit a) Patience b) Tact c) Courtesy	Temperamental. Prone to outburst of anger and has bad relations with employees.
3	8.How the Officer i) Initiative and drive ii) Powers of control iii) Powers on application	Does not possess Does not possess Not upto mark
4	14. Grading	Poor.

The above adverse remarks have been communicated to him and on receipt of his representation against these adverse remarks, the opinion of the Reporting Officer has been obtained and these adverse remarks have been confirmed in Finance Department's Memo No. 20977-A/227/A1/OP.I/08 dated 27.8.2008 furnishing specific instances of his performance based on which the adverse remarks have been recorded and informed to the Officer that no further representation shall be entertained in the matter as per Govt., Memo No.2662/G.A(Ser.C)/76-1 dated 28.12.1976.

8. In the meeting of the Departmental Promotion Committee for preparation of panel for promotion to the post of Additional Secretary to Government, Finance Department for the panel year 2007-08 which was held on 29-8-2008 under the Chairmanship of Chief Secretary to Government has passed over the case of Sri M.V.R. Prasada Rao, Joint Secretary to Government with the following observations.

“The Committee has noted that there are certain adverse remarks in the ACRs of Sri M.V.R. Prasada Rao, Joint Secretary to Government, Sl.No.1, for the year 2006-07 and his performance is recorded as poor. This has been communicated to the individual vide Govt., Memo No.20526-A/246/A1/OP.I/2008, Finance Department, dt.4-8-2008. Further, a disciplinary case is also pending against him for misconduct and mis-behaviour with his subordinates. The Committee after going through the ACRs and other records including the disciplinary case relating to Sri M.V.R. Prasada Rao and after an overall assessment of his service record and work done, considered that he is unfit for promotion and recommends that he be passed over.”

9. The D.P.C. in its meeting held on 29-8-2008 after going through the ACRs and other records including the disciplinary case relating to Sri M.V.R. Prasada Rao and after an overall assessment of his service record and work done, observed that he is unfit for promotion and recommended that he be passed over; and recommended the name of Sri Y. Rama Krishna, Joint Secretary to Government for promotion to the category of Additional Secretary to Government and accordingly orders were issued in G.O.Ms.No.263, Finance (OP.I) Department, dated.5-9-2008.

10. In view of the direction of Hon'ble A.P.A.T., the case of Sri M.V.R. Prasada Rao, Joint Secretary to Government is informed that according to Rule 5 of General Rules of A.P. State and Subordinate Service Rules, seniority shall be considered only where merit and ability are approximately equal. He is specifically informed that his performance during the years 2006-07 and 2007-08 has been graded as “poor” and he is therefore not fit for promotion as Additional Secretary. The relevant ACR's of Sri M.V.R. Prasada Rao, Joint Secretary to Government and Sri Y. Rama Krishna, Joint Secretary to Government are given below;

Sl.No.	Name of the officer S/Sri/Smt/Kum.	2002-03	2003-04	2004-05	2005-06	2006-07
1	Sri M.V.R. Prasada Rao, Joint Secretary to Government	SAT	Good	Good	SAT	POOR
2	Sri Y. Rama Krishna, Joint Secretary to Government	Outstanding	Outstanding	Outstanding	Outstanding	Outstanding

11. As observed by the D.P.C. headed by Chief Secretary, his junior Sri Y. Rama Krishna was considered meritorious when compared with Sri M.V.R. Prasada Rao and therefore Sri M.V.R. Prasada Rao was declared by DPC as unfit for promotion.

12. Sri M.V.R. Prasada Rao, Joint Secretary to Govt., is informed that the order dated 18th June, 2009 of A.P.A.T. in O.A.No.7862 of 2008 has been suspended by the Hon'ble A.P. High Court in W.P.M.P. No. 36878 of 2009 in W.P. No.28313 of 2009.

13. Sri M.V.R. Prasada Rao, Joint Secretary to Government is informed that the judgement dated 31st December 2009 in O.A.No.12909 of 2009 has been examined and his request for promotion as Addl. Secretary does not merit consideration and is therefore rejected.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SUDHIR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.V.R. Prasada Rao, Joint Secretary to Government, Finance Department.
SF/SC's.

//FORWARDED::BY ORDER//

SECTION OFFICER